

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA

January 7, 2019
7:00 p.m.

City Clerk Judy Thompson, Chief Officer in charge of voting for the City of Willmar, welcomed all those in attendance and asked the newly-elected Council Members for the City to come forward. City Clerk Judy Thompson then presented to Council Members Andrew Plowman, Vicki Davis, Rick Fagerlie and Audrey Nelsen Certificates of Election. City Clerk Judy Thompson then asked the newly-elected Mayor to step forward and presented to Mayor Marv Calvin a Certificate of Election. The Honorable Judge Stephen J. Wentzell, Judge of District Court, officiated the Swearing-in Ceremonies of the Mayor and Council Members and the signing of the Oaths of Office.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Calvin, Council Members Audrey Nelsen, Kathy Schwantes, Fernando Alvarado, Vicki Davis, Julie Asmus, Shawn Mueske, Andrew Plowman, and Rick Fagerlie. Present 9, Absent 0.

Also present were City Administrator Ike Holland, Police Chief Jim Felt, Finance Director Steve Okins, Planning and Development Services Director Bruce Peterson, Fire Chief Frank Hanson, Recreation Director Rob Baumgarn, Human Resource Director Samantha Beckman, City Clerk Judy Thompson and City Attorney Robert Scott.

Mayor Calvin called on Pastor Tony Freeburg to give the invocation.

Proposed additions to the agenda included: Mayor Calvin added Prosecution Contract with Anderson Law Offices, LLV; Cable Franchise Agreement Change; and Small Wireless Facility Design Guidelines. These items were brought forward from the Work Session held earlier this evening.

Council Member Nelsen offered a motion to approve the agenda, as amended. Council Member Fagerlie seconded the motion which carried.

The Mayor and Council considered a number of biennial organizational resolutions. The first item considered was the election of a Mayor Pro Tempore. City Attorney Robert Scott provided guidelines for the process and procedure to elect a Mayor Pro Tempore. Mayor Calvin requested the Council consider Council Member Schwantes for Mayor Pro Tempore. Council Member Fagerlie was nominated by Council Member Nelsen, and seconded by Council Member Plowman. Council Member Schwantes was nominated by Council Member Asmus, and seconded by Council Member Mueske.

Mayor Calvin requested Council Members vote by paper ballot. The results were tallied by City Clerk Judy Thompson who reported that Council Member Fagerlie was elected. (Five votes were tallied for Council Member Fagerlie, cast by Council Members Alvarado, Nelsen, Fagerlie, Mueske, and Plowman. Council Member Schwantes received three votes cast by Council Members Davis, Schwantes, and Asmus.).

Resolution No. 19-001 Appointing Mayor Pro Tempore was introduced by Council Member Nelsen, seconded by Council Member Plowman, and approved on a roll call vote of Ayes 8, Noes 0.

The Mayor and Council considered options for parliamentary rules. **Resolution No. 19-002 Adoption of Rules of Order** was introduced by Council Member Plowman, seconded by Council Member Mueske, and approved on a roll call vote of Ayes 8, Noes 0.

The Council discussed the appointment of Council Members as members and liaisons to various boards and commissions. Council Members were asked by Mayor Calvin if they wanted to proceed by nomination, volunteer for the various boards and commissions, or if the Mayor should assign. Following a brief discussion, Council Member Mueske recommended Council Members volunteer for the respective committees as has been done in the past, in an effort to maintain continuity and move the process along. Following discussion, Mayor Calvin proceeded to follow Council Member Mueske's recommendation.

Resolution No. 19-003 Council Board/Commission Appointments was introduced by Council Member Mueske, seconded by Council Member Plowman, and approved on a roll call vote of Ayes 8, Noes 0.

Regularly scheduled meeting dates and times for City Council meetings were discussed. It was pointed out by staff that the recommendation is to continue to meet on the first and third Mondays of each month with exception of if that Monday falls on a legal holiday, the Council shall meet the following Tuesday.

Resolution No. 19-004 Establish Regular City Council Meeting Dates was introduced by Council Member Mueske, seconded by Council Member Alvarado, and approved on a roll call vote of Ayes 8, Noes 0.

City Clerk Judy Thompson informed the Council that as required by Minnesota Statute, it is necessary for the City to designate a legal newspaper for 2019-2020. Staff's recommendation is to approve the "West Central Tribune" as the legal newspaper for the next two years.

Resolution No. 19-005 Designate Official Newspaper was introduced by Council Member Plowman, seconded by Council Member Nelsen, and approved on a roll call vote of Ayes 8, Noes 0.

Resolution No. 19-006 Adopting a Responsible Authority for the City of Willmar was introduced by Council Member Plowman, seconded by Council Member Asmus and approved on a roll call vote of Ayes 8, Noes 0.

City Clerk Judy Thompson reviewed the consent agenda:

- A. City Council Meeting Minutes of December 17, 2018
- B. Special Meeting Full Council Labor Relations Minutes of December 5, 2018
- C. Willmar Municipal Utilities Board Minutes of December 26, 2018
- D. Planning Commission Minutes of January 2, 2019
- E. Application for Exempt Permit – Friends of the Kandiyohi County-Willmar Public Library
- F. Application for Exempt Permit – Kandiyohi County Friends of NRA
- G. Application for Exempt Permit – Willmar Fests, Inc.
- H. **Resolution No. 19-007 Accepting Project No. 1803-B and Authorize Final Payment**
- I. **Resolution No. 19-008 Accepting Amendment to Professional Services Agreement with Bolton and Menk for the Armory, Fairgrounds and Gorton Avenue Lift Stations & Resolution No. 19-009 Armory, Fairgrounds and Gorton Lift Stations Final Budget Total Cost \$1,956,861.00**
- J. **Resolution 19-010 Ordering Preparation of Report on Improvements**
- K. Application for Appointment as Members of the Park and Recreation Board:
Thomas Gilbertson, Abdirahin Hussein, ~~Kim Madsen~~, Andy Ogdahl, Jim Anderson, Valerie Swanson and Rachel Skretvedt
- L. Willmar Lakes Area CVB Board Minutes of November 20, 2018
- M. Building Inspection Report for the Month of December, 2018
- N. Accounts Payable Report for December 13 through December 31, 2018
- O. Application for Member of Airport Commission – Cody Miller

Mayor Calvin asked that Kim Madsen be removed from the proposed members to the Park and Recreation Board as she does not reside in the City.

Council Member Nelsen offered a motion to approve the Consent Agenda, as amended. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:44 p.m. Mayor Calvin opened the public hearing for Municipal Development District No. X. Planning and Development Services Director Bruce Peterson stated last fall, the Council gave preliminary approval to create a tax increment district for an apartment project in northwest Willmar. He indicated prior to approving the tax increment financing (TIF) plan, it is necessary to designate a Municipal Development District for the project.

Vison 2040 Housing Committee Chairperson Linda Mathiason spoke in favor of the proposed housing project and the proposed TIF plan. There being no others to speak for or against the proposed project, Mayor Calvin closed the hearing at 7:48 p.m. and opened it up for discussion by the Council. **Resolution No. 19-011 Designating Municipal Development District No. X** was introduced by Council Member Mueske. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:40 p.m. Mayor Calvin opened the public hearing for J.H., LLC Housing District Tax Increment Financing (TIF). Planning and Development Services Director Bruce Peterson stated previously the Council gave approval to a 15-18 year tax increment financing district for the J.H., LLC Apartment Housing Project. The plan was drafted specific to one 72-unit building, but allows for the ultimate construction of four 72-unit buildings with additional tax increment financing to accompany each phase of the future project. The next step in the process is to conduct a public hearing on the tax increment financing plan. Following approval of the plan, staff will work with the City Attorney to prepare a developer agreement to define the obligations of the City and Developer.

There being no others to speak for or against the proposed project, Mayor Calvin closed the hearing at 7:53 p.m. and opened it up for discussion by the Council. **Resolution No. 19-012 Approving the Tax Increment Plan and the Use of Tax Increment Financing** was introduced by Council Member Plowman. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Calvin acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

Planning and Development Services Director Bruce Peterson stated that Marcus Real Estate and Investments LLC and BPO Elks Lodge 952 have petitioned for vacation of a portion of 2nd Avenue Southeast. Both petitioners own the properties surrounding this portion of 2nd Avenue Southeast, and their intention is to plat the area for future development. The Planning Commission reviewed and approved the request on January 2nd. Staff's recommendation is to introduce the street vacation and set a public hearing on January 22nd at 7:01 p.m.

Following discussion, Council Member Fagerlie introduced **Resolution No. 19-013 Setting a Public Hearing to Consider a Petition to Vacate a Street Right-of-Way**. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Bruce Peterson presented a request for approval of the Unique Opportunities Preliminary Plat. This is the site of the J.H., LLC apartment project. He noted the Planning Commission approved the preliminary plat on January 2, 2019 with conditions, and a Conditional Use Permit for the planned unit development (PUD) was also approved on January 2nd, by Planning Commission.

Following discussion, Council Member Schwantes offered a motion to approve staff's recommendation. Council Member Nelsen seconded the motion which carried.

Human Resource Director Samantha Beckman stated the Council had approved ending the early retirement program (ERP) for City employees at the December 17, 2018 meeting and must decide if they wish to end the program completely at a certain date. Council Member Schwantes introduced **Resolution**

No. 19-014 Amending the City's Early Retirement Program. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 5, Noes 2. Council Members Asmus and Mueske voted "no." Council Member Plowman abstained from voting.

City Administrator Ike Holland presented a recommendation to approve a three-year prosecution contract with Anderson Law Offices, PLLC. The contract is for the years 2019 – 2021. It was noted this item was brought forward from the Work Session held earlier this evening. Council Member Nelsen introduced **Resolution No. 19-015 Approving Agreement with Anderson Law Offices, PLLC.** Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Administrator Ike Holland presented a recommendation to approve a change to the Cable Franchise. This change is due to a company merger where Charter will become Spectrum Mid-America. He stated pursuant to the City's Franchise, the proposed company merger is prohibited without written consent of the City. It was noted this item was brought forward from the Work Session held earlier this evening. Council Member Fagerlie introduced **Resolution No. 19-016 Approving the Assignment of the Charter Cable Franchise.** Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Attorney Robert Scott stated the City is under a deadline to adopt a policy guiding the design and installation of small wireless facilities. These are wireless facilities that are typically mounted to existing utility poles in public right-of-way. He noted the City has seen a limited number of wireless facilities installed on utility poles and thus far they have been small and innocuous and have created no issues. These small wireless facilities are going to become more prevalent and it is in the City's best interest to get ahead of them with a policy to guide the design and installation. It was noted this item was brought forward from the Work Session held earlier this evening. Council Member Plowman offered a motion to adopt the Small Wireless Facility Design Guidelines as presented. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Administrator Ike Holland offered the following comments: the mobile app "Willmar Connect" is now available and he congratulated the City's Information Systems Department for this development; the next Work Session will be held on January 14th, following the Council's Retreat scheduled for this weekend; due to the Martin Luther King Day holiday, the next Council meeting will be held on Tuesday, January 22nd.

Mayor Calvin offered the following comments: thanked the Council for the good things accomplished; the Council Retreat will be held this weekend and requested Council to review the material prior to the retreat; we have an exciting year ahead of us; Council Members Nelsen and Asmus have been serving on the committee for presenting the local option sales tax to the legislature and recently received good news from Representative Baker that he feels very confident we are in a good position; thanked Representative Baker for his hard work and providing us with the correct information; thanked Council for representing the City on the various Boards/Commissions; congratulated Council Member Fagerlie for being elected Mayor Pro Tempore and looks forward to working with him.

Council Member Fagerlie thanked the Council for their support in electing him Mayor Pro Tempore and he is looking forward to 2019.

Council Member Nelsen thanked the citizens for re-electing her to the Council and she is looking forward to the next four years; we have challenges before us, and also great opportunities; her slogan for election was "Respect the Past and Embrace the Future" and believes strongly in this; she looks forward to working on the agenda and striving for open communication, and for the Council to look at their governance model to make it more productive.

Council Member Schwantes congratulated all the re-elected and newly elected Mayor and Council Members; the Council has many projects before them; she is looking forward to the upcoming Council Retreat.

Council Member Alvarado welcomed newly-elected Council Member Davis; wanted the Council to believe in positive intent so when a question is asked, everyone can fully understand the item and their question is not taken offensively; he is excited for 2019 with the many possibilities available and looks forward to working with everyone.

Council Member Davis thanked the citizens for allowing her to be able to serve our community; she feels honored and humbled to serve; if constituents need anything, please contact her.

Council Member Asmus noted the Holiday Light Display is over, was a great event, and thanked the Koosman's and everyone involved; on January 19th there will be a Sew-a-Thon at the Community Center; welcomed Council Member Davis to the Council; looks forward to the upcoming retreat and the new year.

Council Member Mueske welcomed Council Member Davis and all returning Council Members; looking forward to serving with everyone; excited for 2019.

Council Member Plowman doubled down on Council Member Alvarado's power of positivity; looking back on the last four years has been a great learning experience for him and he feels 2019 will be a catalyst year.

There being no further business to come before the Council, the meeting adjourned at 8:20 p.m. upon motion by Council Member Nelsen, seconded by Council Member Alvarado and carried.

Attest: s/s Marv Calvin
MAYOR

s/s Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 19-001

APPOINTING MAYOR PRO TEMPORE

Motion By: Nelsen Second By: Plowman

WHEREAS, the Charter of the City of Willmar, a municipal corporation of the State of Minnesota, provides that in the absence or disability of the Mayor, an Acting Mayor shall be appointed by action of the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar as follows:

that during the years 2019 and 2020, should the Mayor, the Honorable Marvin Calvin, be absent or unable to act as such Mayor, that Council Member Fagerlie be and is hereby appointed as Acting Mayor to act in all said circumstances and as set forth in the Charter of the City of Willmar.

Dated this 7th day of January, 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-002

ADOPTION OF RULES OF ORDER

Motion By: Plowman Second By: Mueske

WHEREAS, the Willmar City Charter Section 2.11, Subdivision 2, requires the Willmar City Council to adopt an authorized set of parliamentary rules and that the rules adopted by the City Council shall be applicable to all Commissions, Boards and Committees.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Willmar that The Standard Code of Parliamentary Procedure is hereby adopted as the parliamentary code of rules for this Council and its municipal Commissions, Boards and Committees.

Dated this 7th day of January, 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-003

COUNCIL BOARD/COMMISSION APPOINTMENTS

Motion By: Mueske Second By: Plowman

BE IT RESOLVED, by the City Council of the City of Willmar, Minnesota, that the 2019 through 2020 Council appointments for members of the Council shall be provided in the list of appointments as follows:

COUNCIL APPOINTED BOARD/COMMISSION MEMBERS
(appointees are full voting members)

EDC Joint Powers Board:

Schwantes
Alvarado
Plowman

<u>Human Rights Commission:</u>		<u>Mueske</u>
		<u>Davis</u>
<u>Fire Code Appeals Board:</u>	Chair:	<u>Alvarado</u>
	Vice Chair:	<u>Nelsen</u>
<u>Mid-Minnesota Development Commission:</u>		<u>Fagerlie</u>
<u>Vision 2040 Steering Committee:</u>		<u>Schwantes</u>
<u>Central Community Transit Board</u>		<u>Fagerlie</u>
		<u>Mayor Calvin</u>
<u>Pioneerland Library System:</u>		<u>Asmus</u>
<u>Willmar Cable Advisory Board:</u>		<u>Alvarado</u>
		<u>Davis</u>
<u>Willmar Convention and Visitors Bureau:</u>		<u>Nelsen</u>

COUNCIL LIAISON POSITIONS

(appointees observe and report to city council but do not vote on board/commission)

<u>Airport Commission:</u>		<u>Plowman</u>
	Alternate:	<u>Asmus</u>
<u>Park and Recreation Board:</u>		<u>Fagerlie</u>
		<u>Asmus</u>
<u>Municipal Utilities Commission:</u>		<u>Mueske</u>
	Alternate:	<u>Plowman</u>
<u>Kandiyohi County HRA:</u>		<u>Nelsen</u>
	Alternate:	<u>Fagerlie</u>
<u>Rice Hospital Board:</u>		<u>Nelsen</u>
	Alternate:	<u>Schwantes</u>
<u>Intergovernmental Planning & Communication Committee:</u>		<u>Mayor Calvin</u>
		<u>City Administrator Holland</u>
		<u>Schwantes</u>
	Alternate:	<u>Nelsen</u>
<u>Willmar Community and Activity Center Council:</u>		<u>Asmus</u>
	Alternate:	<u>Fagerlie</u>
<u>Main Street:</u>		<u>Davis</u>
	Alternate:	<u>Mueske</u>

Dated this 7th day of January, 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-004

ESTABLISH REGULAR CITY COUNCIL MEETING DATES

Motion By: Mueske Second By: Alvarado

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the regular semi-monthly meetings of the City Council shall be held at 7:00 p.m. on the first and third Mondays of each month during the next two years with the exception of if the first or third Monday is a legally recognized holiday, the Council meeting shall be rescheduled to the next Tuesday, and that the regular place of said meetings shall be in the Board Room of the Health and Human Services Building, 2200 – 23rd Street NE, Willmar, Minnesota; and

BE IT FURTHER RESOLVED that the time for adjournment of said Council meetings shall be no later than 11:00 p.m. with the following exceptions:

1. An item of business under consideration at 11:00 p.m. may be completed.
2. Business from the first meeting of the month will be carried over to the second meeting if necessary.
3. Any business not completed at the second meeting of the month, which is urgent and must have action, will be adjourned to a special meeting.
4. The City Council shall continue to conduct work sessions in accordance with Resolution 18-52, adopted on May 7, 2018, as the same may be amended from time to time.

Dated this 7th day of January, 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-005

DESIGNATE OFFICIAL NEWSPAPER

Motion By: Plowman Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, a municipal corporation of the State of Minnesota, that the "West Central Tribune" of Willmar, Minnesota, be designated as the legal newspaper for the City of Willmar and that the fees set by State Statutes for legal publications be accepted.

Dated this 7th day of January, 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-006

ADOPTING A RESPONSIBLE AUTHORITY FOR THE CITY OF WILLMAR

Motion By: Plowman Second By: Asmus

WHEREAS, Minnesota Statutes, Section 13.02, Subd. 6, requires that the City of Willmar appoint one person as the Responsible Authority to administer the requirements for collection, storage, use and dissemination of data on individuals within the City; and

WHEREAS, the City Council of the City of Willmar shares the concern expressed by the Legislature on the responsible use of all City data and wishes to satisfy this concern by immediately appointing an administratively and technically qualified Responsible Authority as required under the Statute.

BE IT RESOLVED by the City Council of the City of Willmar Minnesota, that the City Clerk Judy Thompson be appointed as the Responsible Authority for the purpose of meeting all requirements of Minnesota Statutes, Sections 13.02-13.87, as amended, and with rules as lawfully promulgated by the Commissioner of Administration as published in the State Register.

Dated this 7th day of January, 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-007

A RESOLUTION ACCEPTING PROJECT NO. 1803-B AND AUTHORIZING FINAL PAYMENT.

Motion By: Fagerlie

Second By: Nelsen

IMPROVEMENT: Project No. 1803-B – Overlay of 17th Street NW & Ella Avenue NW

CONTRACTOR:	Duininck, Inc.
DATE OF CONTRACT:	June 4, 2018
BEGIN WORK:	July 26, 2018
COMPLETE WORK:	September 7, 2018
APPROVE, ENGINEERING DEPT:	November 7, 2018

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 1803-B be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$410,671.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$410,671.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$339,216.47
Less Previous Payments	\$313,924.83
FINAL PAYMENT DUE CONTRACTOR:	\$25,291.64

Dated this 7th day of January, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-008

**A RESOLUTION AUTHORIZING AMENDMENT NO. 1 WITH THE PROFESSIONAL SERVICES AGREEMENT
WITH BOLTON & MENK, INC. FOR THE ARMORY, FAIRGROUNDS AND GORTON AVE LIFT STATIONS
PROJECT**

Motion By: Fagerlie

Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the City Administrator of the City of Willmar are hereby authorized to enter into an amendment to the professional services contract between the City of Willmar and Bolton and Menk, Inc. for the Armory, Fairgrounds and Gorton Ave Lift Stations Project. The amendment increases the contract amount by \$62,000.

Dated this 7th day of January, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-009

ARMORY, FAIRGROUNDS AND GORTON LIFT STATIONS FINAL BUDGET

TOTAL COST \$1,956,861.00

*Budget Amounts are Essential

Motion By: Fagerlie

Second By: Nelsen

Code

PERSONNEL SERVICES

10* Salaries Reg. Employees
11* Overtime Reg. Employees
12* Salaries Temp. Employees
13* Employer Pension Contr.
14* Employer Ins. Contr.

TOTAL

\$0.00

RECEIVABLES

Assessments Prop Owners
Community Investment
General
State Aid
WTP
MUC
Kandiyohi County

TOTAL

\$1956,861.00

\$1,956,861.00

SUPPLIES

20* Office Supplies
21* Small Tools
22* Motor Fuels & Lubricants
23* Postage
24 Mtce. of Equipment
25 Mtce. of Structures

FINANCING

General
PFA Loan
State Aid
Capital Reserve
WTP - Cash

\$1,620,505.00

\$262,150.00

\$74,206.00

26 Mtce. of Other Improvements	Kandiyohi County	
27 Subsistence of Persons	TOTAL	\$1,956,861.00
28 Cleaning & Waste Removal		
29* General Supplies	GRAND TOTAL	\$1,956,861.00
TOTAL	\$0.00	

Dated this 7th day of January, 2019

OTHER SERVICES

33* Travel-Conf.-Schools		
34 Mtce. of Equipment		<u>s/s Marv Calvin</u>
35 Mtce. of Structures		Mayor
36* Mtce. of Other Impr.	\$1,441,950.00	
37 Subsistence of Persons		Attest:
38 Cleaning & Waste Removal		
39* Other Services	\$144,195.00	
TOTAL	\$1,586,145.00	<u>s/s Judy Thompson</u>
		City Clerk

OTHER CHARGES

46* Prof. Serv.	\$370,716.00	2017- Engineering Services
49 Other Charges		
TOTAL	\$370,716.00	2018- Construction and Contingency
GRAND TOTAL	\$1,956,861.00	

RESOLUTION NO. 19-010

**RESOLUTION ORDERING PREPARATION OF
REPORT ON IMPROVEMENTS**

Motion By: Fagerlie Second By: Nelsen

WHEREAS, it is proposed to construct the following improvements under the 2019 Improvement Projects: Grading, aggregate base, curb and gutter, edge drain, sump pump connections, milling, bituminous pavement, sidewalk, service lines, sanitary sewer, paths, and watermain

And to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Section 429.011 to 429.111 (Laws 1953, Chapter 398, as amended).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WILLMAR, MINNESOTA:

That the proposed improvement be referred to the City Engineer for study, and that he is instructed to report to the Council advising the Council in a preliminary way as to whether the proposed improvement is feasible, and as to whether it should be best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Dated this 7th day of January, 2019

s/s Marv Calvin
Mayor

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-011

DESIGNATING MUNICIPAL DEVELOPMENT DISTRICT NO. X

Motion By: Mueske Second By: Asmus

WHEREAS, The City of Willmar desires to utilize the power and authority granted by M.S. 469.126 to improve an area of the City, herein referred to as Municipal Development District No. X, to provide impetus for redevelopment and to increase the tax base; and

WHEREAS, Municipal Development District No. X is legally described as: The North 764.71 feet of the South 1234.71 feet of the East 929.20 feet of the Southeast Quarter (SE ¼) of the Northwest Quarter NE ¼) of Section 8, Township 119, Range 35, Kandiyohi County, Minnesota. Except the East 75.00 feet of the North 300.00 of the South 770.00 of said SE ¼ of the NE ¼.

WHEREAS, a development program has been formulated which states the objectives of the District and addresses activities expected within the District.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that Municipal Development District X is hereby designated, and the development program for said district is hereby approved.

Dated this 7th day of January, 2019.

ATTEST:

s/s Judy Thompson
CITY CLERK

s/s Marv Calvin
MAYOR

RESOLUTION NO. 19-012

APPROVING THE TAX INCREMENT PLAN AND THE USE OF TAX INCREMENT FINANCING

Motion By: Plowman Second By: Schwantes

WHEREAS, the City Council of the City of Willmar (hereinafter the Municipality) pursuant to Minnesota Statutes, Chapter 469 in January 2019 adopted a Development Program for Municipal Development District Number X, encompassing the area which is more particularly described on Addendum A attached hereto and made a part hereof (which area is hereinafter called the Development District), and

WHEREAS, it is desirable and in the public interest that the Municipality undertake and carry out a tax increment financing plan for the JH, LLC Housing District pursuant to Minnesota Statutes, Sections 469.174-179, encompassing the area which is more particularly described on Addendum A attached hereto and made a part hereof (which area is herein called Tax Increment District, Housing District, or District), and

WHEREAS, the City Council has reviewed the plan for the JH, LLC Housing District of the Development

District, dated January 2019 (herein called the Plan, and attached hereto as Addendum B), and which sets forth a tax increment financing plan for the Housing District, and

WHEREAS, the Plan sets forth the Municipality's estimate of the fiscal and economic impacts of the tax increment financing on the tax capacities of all taxing jurisdictions in which the Housing District is located, and the Municipality's estimate of the fiscal and economic implications of the District, and

WHEREAS, the Board of Commissioners of Kandiyohi County, Minnesota has been notified on the public hearing for the review of the Plan, and

WHEREAS, the School Board of Independent School District No. 347 has been notified of the public hearing for the review of the Plan, and

WHEREAS, the Commissioner representing the area included in the District has been notified of the public hearing for the review of the plan, and

WHEREAS, the City Council has received and considered the comments of the Board of Commissioners of Kandiyohi County, the School Board of the Willmar School District, and the Commissioner representing the area included in the District, relative to the contents of the Plan, and

WHEREAS, the City Council on January 7, 2019, after having published a notice of public hearing in the official newspaper of the Municipality, conducted a public hearing on the Plan and received public comments on the same.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar, that the City Council makes the following:

FINDINGS:

1. That the proposed tax increment financing district qualifies as a housing district and meets the criteria of 469.174 Subd. 11.
2. That the proposed development, in the opinion of the Municipality, would not be expected to occur solely through private investment within the reasonably foreseeable future.
The proposed development is a housing project consisting of 72-288 rental apartments in the City of Willmar. The City has reviewed information submitted by the proposed developer showing the cost of providing low to moderate income housing makes the proposed development infeasible without public financial assistance. Based on these factors the City has no reason to expect that a significant development of this type would occur without assistance similar to that provided in this plan. Therefore the City has no reason to believe the development would occur but-for tax increment assistance.
3. The TIF Plan conforms to the general plan for development or redevelopment of the City as a whole.
The reason and facts supporting this finding are that the TIF District is properly zoned, and the TIF project has been approved by the City Planning Commission and will generally complement and serve to implement policies adopted in the City's comprehensive plan.
4. The TIF Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole for the development of District.
The reason and facts supporting this finding are that the development activities are necessary so that the development of low to moderate income housing in the City can occur within the District.

BE IT FURTHER RESOLVED by the City Council of the City of Willmar, that:

1. The Tax Increment Financing Plan for the JH, LLC Housing District of Municipal Development District No X attached hereto as Addendum B is hereby approved, contingent on the City Council's final approval of a Development Agreement.
2. The City Clerk is hereby directed to file a copy of the resolution and a copy of the Plan with the Department of Employment and Economic Development, the Office of the State Auditor, and the Department of Revenue.
3. The City Clerk is hereby authorized and directed to request the Auditor of Kandiyohi County to certify the original tax capacity of the District established by this resolution.
4. The Municipality hereby states its intention to use all of the captured tax capacity for purposes of tax increment financing as per the conditions set forth in the Plan.

Adopted by the Willmar City Council this 7th day of January, 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-013

**RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A
PETITION TO VACATE A STREET RIGHT-OF-WAY**

Motion By: Fagerlie

Second By: Schwantes

BE IT RESOLVED by the City Council of the City of Willmar that the Council conduct a public hearing at 7:01 p.m. on Tuesday, January 22, 2019, in the County Board Room at the Health and Human Services Building, 2200 – 23rd Street NE, Willmar, MN.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a street vacation initiated by Marcus Real Estate and Investments LLC and BPO Elks Lodge #952 described as follows: A portion of Second Avenue South (currently known as Second Avenue Southeast) lying Westerly of the Northerly extension of the East line of Block 14 in said Erickson's Second Addition to the City of Willmar, Minnesota and lying Easterly of the Southerly extension of the East line of Block 4 in said Erickson's Second Addition to the City of Willmar, Minnesota.

BE IT FURTHER RESOLVED that any person having an interest in said matter is invited to appear in person or be represented by counsel to be heard on this matter.

Date this 7th day of January, 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

**CITY OF WILLMAR
RESOLUTION NO. 19-014**

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA
AMENDING THE CITY'S EARLY RETIREMENT PROGRAM**

Motion By: Schwantes

Second By: Alvarado

WHEREAS, the City of Willmar (City) instituted an "Early Retirement Program" (ERP) in 2004, reinstituted it in 2007, and thereafter amended ERP benefits and eligibility requirements on several occasions as summarized in the recitals to Resolution 18-157, adopted by the City Council on December 17, 2018; and

WHEREAS, the City Council, in adopting Resolution No. 18-157 on December 17, 2018, found that the original policy objective of achieving needed staff reductions and accompanying reductions in personnel expenses is no longer being served by the ERP in its current form and in any event is no longer desirable from a policy perspective, and that economic conditions have significantly and fundamentally changed from the time the City initially established the ERP such that under current tight labor market conditions, it is no longer desirable for the City to provide an incentive for long-term employees of the City to retire early from City employment, their experience and institutional knowledge being invaluable assets to the City's organization which the City Council desires retain; and

WHEREAS, the City Council, in adopting Resolution No. 18-157, amended the ERP to restrict eligibility for the ERP to those employees who are eligible to participate in the ERP on the effective date of such resolution, and further directed the City's Human Resources Director and legal counsel are directed to develop options for further amending the ERP to establish retirement deadlines for those employees who are eligible to participate in the ERP on the effective date of such Resolution for the City Council's consideration at a future meeting; and

WHEREAS, the City Council now wishes to further amend the ERP to establish a date on which the ERP shall discontinue for current City employees, while still providing a limited window of time for those employees who are eligible for the ERP on the effective date of Resolution No. 18-157 to retire and participate in the program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. The City's existing ERP as stated in 2017 and quoted in the fourth recital paragraph to Resolution No. 18-157 is hereby amended so as to establish a retirement deadline for participation in the ERP of June 30, 2019. No City employees who retire on or after July 1, 2019 shall be eligible to participate in the ERP.
2. In order to participate in the ERP, the retiring employee must be provide written notice to the City's Human Resources Director at least 90 days in advance of the employee's retirement date, meaning that the latest date on which a notice of retirement by an employee seeking to participate in the ERP may be submitted is March 31, 2019.
3. This Resolution and the policy amendments set forth herein shall take effect 30 days after its adoption.

Adopted by the City Council of the City of Willmar on January 7, 2019.

Approved:

s/s Marv Calvin
Mayor

Attested:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-015

APPROVING AGREEMENT WITH ANDERSON LAW OFFICES, PLLC

Motion By: Nelsen Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar to approve an agreement with Anderson Law Offices, PLLC to provide prosecution legal services and authorize the Mayor and City Administrator to sign on behalf of the City.

Dated this 7th of January, 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-016

**APPROVING THE ASSIGNMENT OF
THE CHARTER CABLE FRANCHISE**

Motion By: Fagerlie Second By: Alvarado

WHEREAS, CC VIII Operating, LLC (hereinafter referred to as "Grantee"), currently holds a cable television franchise ("Franchise") granted by the City of Willmar, Minnesota ("City"); and

WHEREAS, Grantee operates a cable television system ("System") that provides cable services and other communication services in the City; and

WHEREAS, Charter Communications, Inc., ("Charter") is the ultimate parent company of Grantee; and

WHEREAS, on or about October 1, 2018 the City received from Grantee, FCC Form 394 - Application

for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise ("Application"); and

WHEREAS, under the Application Grantee and Charter have requested the City's approval of the proposed assignment of the Franchise ("Assignment") from Grantee to Spectrum Mid-America, LLC, a Delaware limited liability company ("Spectrum"); and

WHEREAS, Spectrum will become the new holder of the Franchise in the City; and

WHEREAS, Federal law and the terms of the Franchise require that the City take action to consider the Application within one hundred twenty (120) days of the date of receipt, or on or before January 29, 2019; and

WHEREAS, Minnesota state law and the Franchise require the City's advance written consent prior to the proposed Assignment; and

WHEREAS, the City has reviewed the Application and the proposed Assignment, and based on information provided by Grantee and information otherwise publicly available, the City has elected to approve the Assignment subject to certain conditions as set forth herein.

NOW, THEREFORE, the City of Willmar, Minnesota hereby resolves as follows:

1. All of the above recitals are hereby incorporated by reference as if fully set forth herein.
2. The Franchise is in full force and effect and Grantee is the lawful holder of the Franchise.
3. The City hereby consents and approves of the Assignment as set forth in the Application.
4. The City's consent to the Assignment shall not serve to waive any rights the City may have under applicable law to hold the Grantee or Spectrum liable for any and all liabilities, known and unknown, under the Franchise.
5. The City expressly reserves any and all rights it may have under applicable law to enforce compliance with the terms of the Franchise against Grantee and Spectrum.
6. In the event the Assignment contemplated by the Application is not completed, for any reason, the City's consent shall not be effective and shall be null and void.

This Resolution shall take effect and continue and remain in effect from and after the date of its passage, approval, and adoption.

Approved by the City of Willmar, Minnesota this 7th day of January, 2019.

ATTEST:

CITY OF WILLMAR, MINNESOTA

By: s/s Judy Thompson

By: s/s Marv Calvin

Its: City Clerk

Its: Mayor